

Appl. No. 09/955,916
Amendment dated December 28, 2003
Reply to Office Action of July 2, 2003

REMARKS

Claims 1-22 are cancelled and replaced by claims 23-28.

An interview with Examiner Brown on Dec. 15, 2003, resulted in agreement to give favorable consideration to "a fastening means extending along the entire surface of the elongated band." The claims are amended accordingly.

Claim 25 was discussed at the interview in a preliminary form. This independent claim relates to a linear version of wrap. As a result of the interview, Claim 25 is modified from the interview text at line 14 to incorporate the language, "a fastening means extending along the entire surface of said first and second longitudinally elongated bands, engageable with said attachment element to secure the wrap...."

Claim 23 was discussed at the interview in a preliminary form. This independent claim relates to a sleeve version of the wrap. As a result of the interview, Claim 25 is modified from the interview text at line 14 to incorporate the language, "a fastening means extending along the entire surface of said elongated flexible strip, sufficiently engageable with said attachment element to secure...."

The following remarks and attached Declaration (Commercial Success) also were presented at the interview. They point out patentability the claims and identify the antecedent basis of each claim now presented. They are entered here for the record:

Claim 23 presents a preformed sleeve version of the invention as an independent claim. The subject matter previously appeared in claims 10, 16, and 21; in drawing Figs. 4, 5, and 6; and in the specification at page 10, lines 2-7. A distinguishing element of the pre-formed sleeve version is that during adjustment, it produces a simultaneous double fold-over of both band ends around the outside of the sleeve and pad, instead of a spiral spooling. As a result, the thermal pad and the pocket are against the user's body and not insulated from it by surplus band ends. Previously the examiner cited Fig. 5 of Rosenwald as showing a sleeve; but Rosenwald shows only a spiral wrapped sleeve that does not offer a fold-over of both band ends around the outside of the sleeve.

Claim 24 provides added detail of the sleeve structure, in accordance with former claims 10, 16, and 21; drawing Figs. 4, 5, and 6; and the specification at page 10, lines 2-7.

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Claim 25 presents subject matter previously appearing in claims 1, 6, 10, 11, and 22; and in the drawings at Figs. 1, 2, 7, 8, and 9, as well as throughout the specification. It is written in Jepsen format to better focus on the unique features of the invention, especially on the structures that enable elimination of leading excess length by severing any excess on one side of the pocket. As claimed, the invention provides a band that is (1) elastic, (2) variably engageable by the attachment element over its entire surface, and (3) thereby made end-severable beyond the variable point of attachment. This combination enables the thermal pad and the pocket to rest against the user's body without being insulated from it by a surplus band end.

Hubbard does not allow severing the elastic band, since Hubbard's elastic band is central rather than on an end. Rosenwald does not allow severing the elastic band because Rosenwald teaches the use of a mating pair of fixed Velcro pads at each band end; and these could not be cut-off without destroying functionality. Hence, even together, the references do not achieve an equivalent result to the combination of claim 25.

Claims 26-28 depend from claim 25 and add subject matter found in former claims 1, 6, 10, 11, and 22; and in the drawings at Figs. 1, 2, 7, 8, and 9, as well as throughout the specification.

Please grant all necessary extensions of time.

In light of the above, applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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